

## **U.S. HOUSE OF REPRESENTATIVES**

### **EMPLOYEE HANDBOOK**

**FOR THE OFFICE OF \_\_\_\_\_**

Revised: September 1999

### **ACKNOWLEDGMENT OF RECEIPT OF EMPLOYEE HANDBOOK**

**FOR THE OFFICE OF \_\_\_\_\_**

I acknowledge that I have received a copy of the Employee Handbook for the Office of , and that I have read and understand the contents of the handbook. I understand the handbook is intended to provide me with general information about policies and procedures of the Office that govern my employment.

I acknowledge and understand that employment with the Office is at-will and that all employees serve at the pleasure of the Office. Accordingly, I have the right to resign from my position, at any time, and the Office can terminate my employment relationship, with or without cause, or with or without notice, at any time, except, of course, the Office cannot terminate my employment for discriminatory reasons in violation of applicable federal law or Rules of the House of Representatives. I understand that by signing this Acknowledgment I do not waive my rights under applicable federal law or the Rules of the House of Representatives.

I also understand and acknowledge that the office may unilaterally change or revise, with or without notice, its policies and practices, and such changes may affect the benefits provided therein. Moreover, I understand and acknowledge that the contents of employee handbooks,

personnel manuals, benefit plans, policy statements, and the like as they may exist from time-to-time, or other employment practices, shall not serve to create an actual or implied contract of employment, or to confer any right to remain an employee of the office, or otherwise to change in any respect the employment-at-will relationship between the office and myself.

I acknowledge that no one in the Office is authorized to make exception to this understanding, except , who must do so in writing.

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(Signature of Employee)

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(Date)

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(Member or Designee)

## **PURPOSE OF THE HANDBOOK**

This handbook has been prepared to summarize the personnel policies and procedures that are applicable to employees of the Office of ("the Office"). You should read the information in this handbook promptly and thoroughly so that you have an understanding of the policies and

procedures of the Office. This handbook, however, cannot anticipate every situation or answer every question about your employment; it can provide only an overview of policies and procedures. It is not an express or implied employment contract or legal document, nor should its contents be considered a strict interpretation of the policies, procedures or benefits that are described in this handbook.

This handbook is effective as of , and it supersedes any and all prior employee handbooks and personnel policies.

In order to meet changing circumstances, the Office reserves the right to change, revise, or rescind any of the policies, procedures or benefits described in this handbook (other than the at-will nature of the employment relationship) whenever, in its sole discretion, the Office deems it appropriate to do so. Policies and procedures are subject to interpretation by the Office, and exceptions may be made in individual cases at the discretion of \_\_\_\_\_.

In addition to the policies contained in this handbook, every employee of the Office has a duty to comply with all applicable Federal laws, Rules of the House of Representatives, the mandates of the of the House Ethics Manual, and Regulations of the Committee on House Oversight (including those contained in the Members. Congressional Handbook).

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**I. POLICIES AND PROCEDURES**

**Management Rights**

The Office will strive to serve the Member.s constituents with professionalism, quality, and dedication. To reach its goals, the Office reserves its prerogatives as an employer to, at any time without prior notice, establish, administer and change wages, benefits, practices and procedures; direct and discipline the staff; make decisions regarding recruitment, hiring, training, assignment, transfer, promotion, demotion, layoff, recall and retirement of employees; establish the services to be rendered, and who shall perform the work and at what rate; take action to maintain the security of employees, facilities and property, including without limitation, inspections, searches and investigations in accordance with applicable laws; establish starting and quitting times, the number of hours, shifts and overtime to be worked; discontinue or close down any part of or all of the Office; expand, reduce, alter or combine any one or more of the Office operations; and take whatever other action is necessary in the Office.s judgment to operate efficiently and effectively.

The failure to exercise these or other management prerogatives shall not waive the Office.s right to do so at any time in its discretion, or preclude the Office from exercising any management prerogative in ways other than those described above.

## **Statement of Equal Employment Opportunity Policy**

The Office is an equal employment opportunity employer and does not discriminate on the basis of an individual.s race, color, religion, sex, national origin, disability, veteran.s status, age or any other factors prohibited by federal law. This includes all hiring, discharge, promotion, pay, benefits, reassignment, and other personnel actions affecting the terms, conditions, and privileges of employment. However, the Office may consider party affiliation, domicile and political compatibility in making employment decisions.

## **Personnel Records**

It is the policy of the Office to keep personnel-related information maintained in confidence to the greatest extent practicable. Information from employee files will be released only as follows:

*to the employee at his or her request*

*to third parties, where required by judicial orders, subpoenas and law enforcement requests;*

*to management with a need to know*

Each current employee may review his or her own file upon request and may request copies of any or all information contained therein.

It is important that the Office and the House Finance Office be informed on a timely basis of any change with respect to the following:

*Name*

*Address*

*Home telephone number*

*Whom to contact in case of injury or illness*

*Employment Eligibility (Form I-9)*

It is your responsibility to inform the House Finance Office on a timely basis of any change with respect to the following:

*Beneficiary designation (for insurance and other benefit plans)*

*Number of dependents (for income tax withholding and insurance status/eligibility purposes)*

*Marital status (for income tax withholding and insurance status/eligibility purposes)*

*Any change in the number of exemptions you intend to claim on your taxes.*

## **Nepotism**

Members and employees are prohibited by law from appointing, promoting, or recommending for appointment or promotion, their relatives, except as discussed below. Individuals with the following relationship to a Member may not be employed by the Member:

*aunt, half-sister, son-in-law*

*brother, husband, stepbrother*

*brother-in-law, mother, stepdaughter*

*daughter, mother-in-law, stepfather*

*daughter-in-law, nephew, stepmother*

*father, niece, stepsister*

*father-in-law, sister, stepson*

*first cousin, sister-in-law, uncle*

*half-brother, son, wife*

If, however, a House employee becomes related to the employing member (by marriage), the employee may remain on the Member's personal or committee staff. Similarly, if a Member becomes the employing authority of a relative who was fired by someone else (e.g. the Member ascends to the chairmanship of a Committee or subcommittee for which the relative is already

working), the relative may remain on the payroll. However, the Member may not then give that individual further promotions or raises, other than cost-of-living or other across the board adjustments. The statute does not prohibit a Member from employing two individuals who are related to each other, but not to the Member. (See House Ethics Manual at pp. 186-88). Contact the Committee on Standards of Official Conduct for further information at x5-3787.

Every employee must certify relationship to any Member of Congress on a certificate of relationship form, available from Human Resources. If, at any time, the relationship of an employee to a Member of Congress changes, the employee must file an amended certificate of relationship with the employing office.

## **Payroll**

Employees are paid on a monthly basis, generally at the end of each month worked. Paychecks are issued on the last business day of each month except in December when they are issued on the 20th (unless the 20th falls on a Saturday or Sunday, in which case they are issued on the last business day preceding the 20th).

Checks will be mailed to the address you supply to the House Finance Office. To prevent lost checks and to guarantee receipt on time, you may prefer to have your paycheck deposited directly into a bank or savings account. To do so, contact the House Finance Office, 263 Cannon HOB, x56514.

## **Attendance Policy**

Attendance and punctuality are essential to the efficient operation of the Office. It is recognized that there are situations beyond an employee's control that may create absenteeism or

tardiness. However, the Office cannot tolerate frequent unauthorized absences from work or tardiness in reporting to work, because such actions disrupt schedules and create a burden on fellow employees and the Office. Moreover, a Member may not retain an employee on the payroll who does not perform official duties commensurate with the compensation received (See House Rule XLIII paragraph (8)).

If you are absent from or tardy for work for any reason, you must speak with your supervisor (or if the supervisor is unavailable, some other management employee), as early as possible before the beginning of the workday or shift. An employee who arrives more than \_\_\_\_\_ minutes after his or her designated starting time is considered tardy.

If you must leave work early, because of illness or other unavoidable reasons, you are responsible for personally notifying your supervisor and obtaining approval before departure. Absenteeism or tardiness that is considered to be excessive, or failure to follow reporting procedures, may subject an employee to appropriate disciplinary action up to and including termination.

\_\_\_\_\_ will track attendance and will keep \_\_\_\_\_ informed regarding the above matters.

## **Job Abandonment**

If you anticipate an absence from work, you should notify the Office as far in advance as possible, so that work schedules and assignments can be adjusted accordingly. If an employee is absent from work for three consecutive work days without notifying or obtaining advance approval from his or her supervisor, it will be presumed that the employee has abandoned his/her position and his or her employment will be terminated, except under extenuating circumstances.

## **Office Hours**

Regular hours of operation are from \_\_\_\_\_ a.m. - \_\_\_\_\_ p.m., Monday through Friday. Telephones must be fully staffed during Office hours. The Office reserves the right to establish additional or modified hours of operation depending on the schedule of the House.

## **Lunch Period**

Lunch periods are established by each person's immediate supervisor and, in all cases, will be no longer than one hour, without prior approval from the employee's supervisor. Exceptions to this policy will be granted consistent with the Office's leave policy, as discussed later in this handbook, or in cases where a staff member is requested by his or her supervisor to attend a function. Lunch periods for employees are rotated to ensure coverage of the telephones at all times.

## **Snow Days and Other Contingencies**

Employees are required to be at work whenever the Office is open. When weather conditions or other emergencies make it unsafe to travel to and from work, the Office will be open for essential services only. This policy goes into effect only when media reports indicate federal government offices are completely closed due to inclement weather, or when \_\_\_\_\_ has determined that the Office will be closed. In such circumstances, leave will be granted to those employees who, due to unsafe weather conditions, are unable to report to work.

## **Time and Attendance Records**

Time and attendance records will be kept for each employee. \_\_\_\_\_ is responsible for maintaining proper records for all categories of leave and ensuring that time and attendance are recorded and reported properly by the employees.

## **Employee Classification**

Employees are classified into one of the following two categories:

- 1. Employees who are Exempt from the overtime requirements of the Fair Labor Standards Act as incorporated by the Congressional Accountability Act: Those who are not required to be paid overtime for all hours worked in excess of 40 hours in one workweek. Exempt employees are expected to work whatever hours are necessary to meet the job responsibilities and needs of the Office.*
- 2. Employees who are Non-Exempt from the overtime requirements of the Fair Labor Standards Act as incorporated by the Congressional Accountability Act: Those who are required to be compensated for all hours worked in excess of 40 hours per week.*

The employee classification determination is based on the actual job duties and responsibilities of the employee.

The workweek for the Office begins [12:01 a.m. Sunday] and ends at [12:00 a.m. Saturday].

## **Overtime for Non-Exempt Employees**

The basic workweek will consist of 40 working hours for non-exempt employees. However, your supervisor may ask you to work overtime or to be available for duty other than during normal work hours. Scheduling additional work hours requires the approval of your supervisor or other appropriate management personnel and a overtime preauthorization form must be completed prior to working overtime. Failure to secure permission from the appropriate supervisor prior to working overtime may result in disciplinary action, up to and including termination.



## **Conflicts of Interest/Ethics in Government Act**

All employees of the Office must strictly comply with the provisions of the Ethics in Government Act, House Rule XLIV and other applicable House Rules regarding outside income, gifts, and personal financial disclosure, if required. Moreover, it is the responsibility of the employee to become familiar with the requirements of House Ethics rules as well as the requirements of House Rule XLIII. Failure to comply may be grounds for dismissal.

The Committee on Standards of Official Conduct has prepared forms for financial disclosure, together with a detailed explanation of requirements of the Ethics in Government Act. Questions regarding financial disclosure may be directed to the Committee, HT-2 The Capitol, x 57103.

Employees of the Office are not to engage in conduct that constitutes a conflict of interest or a potential conflict of interest. In general, a "conflict of interest" is any situation in which an employee's conduct of his or her job conflicts with his or her private economic affairs. In addition, page 87 of the House Ethics Manual extends the definition to situations and circumstances which post a "risk of impairment of impartial judgment."

Generally, acceptance of gifts, other than from family and close personal friends, is prohibited by House Rule LII. Therefore, you must contact \_\_\_\_\_ regarding any offers of gifts, money, or other benefits offered by a lobbyist or anyone that has dealings with the Office.

Contact the Office of Advice and Education of the Committee on Standards of Official Conduct at x53787 if you have even the slightest concern that particular conduct, including the acceptance of any gift, might constitute a conflict of interest or a violation of House Rules or Federal law.

Employees should err on the side of caution when confronted with a potential conflict of interest and discuss the matter with their supervisor and/or the Office of Advice and Education of the Committee on Standards of Official Conduct.

## **Outside Employment**

Employees of the Office may not secure employment outside the House that conflicts with the performance of their official duties. Further, House employees who engage in private employment may not do so to the neglect of their congressional duties, on Aofficial time@ for which a salary is received from the United States Treasury, or if the employment is gained through the improper use of their official positions. It is the responsibility of each employee to notify \_\_\_\_\_ of all outside employment.

In addition, certain employees face limitations on outside employment and earned income under House Rule XLVII. All employees assume full responsibility for complying with House Rules and federal law. Contact the Office of Advice and Education at the Committee on Standards of Official Conduct at x53787 if you have any questions about outside employment.

Upon separation from employment with the Office, certain employees are prohibited from lobbying certain Members of Congress or their staff for a period of at least (1) year. For more information contact the Office of Advice and Education of the Committee on Standards of Official Conduct at x5-3787.

## **Political Activities**

Employees of the Office may engage in campaign work only on their own time.

Official House property, equipment and resources may not be used for campaign activities. Campaign contributions may not be solicited on, or for delivery to, House property.

The 2/28/96 Congressional Research Service (CRS) publication Campaign Activities by Congressional Employees, provides a good summary of regulations that govern the participation of House employees in campaigns and campaign fund-raising.

## **Domestic/Foreign Gifts and Travel**

Rules of the House and the Foreign Gifts and Decorations Act govern your conduct relating to travel to foreign countries and the acceptance of gifts or hospitality from foreign nationals or governments. Staff members are required to consult with the Office of Advice and Education at the Committee on Standards of Official Conduct at x53787 regarding those laws and rules, and to notify \_\_\_\_\_, before traveling to foreign countries on House business or accepting gifts from foreign nationals or governments.

## **Reimbursement for Official Expenses**

No employee may incur official expenses without the prior approval of \_\_\_\_\_. Requests for reimbursement for official expenses shall be on vouchers provided for such purposes by the House Finance Office. Only requests for reimbursement submitted in accordance with the Regulations of the Committee on House Oversight as reflected in the Members. Congressional Handbook will be processed for payment.

## **The Frank**

The "frank" is the term applied to the use of the signature of a Member of Congress on mail in lieu of postage.

All staff of the Office should review the publication Regulations on the Use of the Congressional Frank, published by the Commission on Congressional Mailing Standards (Franking Commission), before sending any mail for the Office.

The frank is to be used only for official business. Under no circumstances should the frank or other official resources be used for an employee's personal mail. This rule applies to "inside mail" as well.

The frank cannot be used on mail to foreign countries (other than via APO or FPO boxes). Letters or documents to foreign officials should be sent in care of the country's consulate in the United States. If that is not possible, weigh the letter/document and obtain the proper amount of postage from \_\_\_\_\_.

For more information on franked mail, see Official Mail Expenses, p. \_\_\_\_ of the Members. Congressional Handbook as well as the House Ethics Manual's discussion of the topic.

Questions regarding use of the frank, and requests for advisory opinions on the frankability of mail, should be submitted to the Commission on Congressional Mailing Standards (Franking Commission), 140 Cannon HOB, x59337.

## **Mass Mailings**

The Office is required by House Rule XLVI and 2 U.S.C. 59e(f) to seek an advisory opinion as to whether proposed mass mailings are in compliance with all applicable laws, rules and regulations, from the Commission on Congressional Mailing Standards (Franking Commission).

A mass mailing is generally defined as any mailing of 500 items or more of substantially identical content within any session of Congress.

Compliance with these requirements is extremely important because the Office is responsible for complying with all applicable provisions of Federal law, House Rules, and Regulations of the Commission on Congressional Mailing Standards and the Committee on House Oversight.

## **Drug and Alcohol Abuse Policy**

The Office strictly prohibits the unlawful manufacture, sale, distribution, dispensation, possession, or use of controlled substances in the workplace or while on paid time. This policy also strictly prohibits all employees from being under the influence of drugs (see discussion below for prohibited drug use) or alcohol while on paid time or while on workplace premises.

Prohibited drug use includes any and all controlled substances except those taken pursuant to a prescription. It also includes the medically unauthorized taking of any prescription drug as well as the use of prescription medications illegally obtained or used in a manner inconsistent with the direction of the prescribing physician. Finally, prohibited drug use includes the abuse of over-the-counter medications used in a manner inconsistent with its intended purpose so as to affect the performance of the employee.

## **Voluntary Treatment and Counseling**

The Office encourages all employees who need assistance in dealing with alcohol or drug dependency problems to seek counseling through the various private and public agencies and programs that exist in their communities. Employees may also seek assistance by contacting the Office of Employee Assistance, x52400. Requests for voluntary treatment and related matters will be kept as confidential as possible, and, in accordance with the law, the Office will reasonably accommodate an employee's attempt to deal with dependency problems. Employees may not, however, escape discipline by requesting treatment or leave only after having been notified of disciplinary action for violating the Office's Drug and Alcohol Abuse Policy.

## **Non-Discrimination Policy**

The Office complies with all provisions of the Americans with Disabilities Act ("ADA"). No employee or applicant for employment who is currently drug-free will be denied employment or otherwise discriminated against solely because of the individual's prior abuse of drugs, prior treatment for drug abuse, or status as an alcoholic or a recovering drug addict. However, the ADA does not protect employees who are current illegal users of drugs.

## **Fitness for Duty**

Employees are responsible for notifying \_\_\_\_\_ of any conditions, including but not limited to the taking of medically authorized prescription drugs, that may impair the employee's ability to perform his or her job in a safe or effective manner. The Office will attempt to ensure that the disclosure and substance of such information is kept confidential and that it will be disclosed only to individuals with a legitimate need to know. No employee will be discriminated or retaliated against as a result of his or her disclosure of such information. The disclosure is required only to ensure safety in the Office and to protect the employee against any inaccurate assumptions that might otherwise be made about the employee's performance.

## **Discipline for Violation of This Policy**

Employees who violate this Drug and Alcohol Abuse Policy may be disciplined, up to and including immediate termination, at the discretion of the Office.

## **Smoking Policy**

To provide a safe and healthy working environment for all employees, smoking is prohibited in the office. Employees who violate this policy may be subject to disciplinary action up to and including termination. All employees share responsibility for maintaining a smoke-free

workplace.

Employees interested in attending a smoking cessation program should contact the Office of Employee Assistance at (202) 225-2400.

## **Recycling Policy**

The Office cooperates fully with the House of Representatives Recycling program. Labeled recycling bins are located throughout the D.C. office. Please take note of the locations of these bins and make every effort to recycle materials accordingly. For more information, please contact \_\_\_\_\_.

## **Use of Official Stationery**

Use of official stationery of the Office by staff members is strictly limited to correspondence relating to the official capacity or responsibilities of the staff member. Use of official stationery for personal business or matters unrelated to the Office is strictly prohibited and subjects such users to appropriate discipline up to and including termination. For guidance on this issue, please refer to the House Ethics Manual and call the Office of Advice and Education of the Committee on Standards of Official Conduct at x5-3787.

## **Safety and Security Policy**

It is the policy of the Office to maintain safe working conditions for its employees. Accordingly, all employees are expected to abide by applicable safety and security rules and regulations within House Facilities. Failure to observe general safety procedures, neglect of the safety of others, or the commission of unsafe acts is unacceptable.

Visitors who are uninvited and unwanted in the D.C. office, in circumstances where an employee of the Office is unable to speak freely, can be removed from the Office by calling the U.S. Capitol Police at x45151 and stating . the books are ready to be picked up in room \_\_\_\_.. District office staff should call building security or 911.

Bomb threats should be reported immediately to x5-0911. A Bomb Threat Checklist is available from the House Sergeant-at-Arms at x52456. District office staff should call building security or 911.

Threats to the physical safety of a Member or employee of the Office should be reported to the House Sergeant-at-Arms at x52456.

If you are injured while at work, you must report the injury immediately to \_\_\_\_\_. You must complete a notice of injury report (Form CA-1), which is available from the House Finance Office, 263 Cannon HOB, x56514.

All employees are issued identification cards that allow access to the House office buildings. You must immediately report lost or stolen I.D. cards and keys to the Sergeant-at-Arms Office of Identification Services, 321 Cannon HOB, x53820, and a new I.D. card will be issued to you. Because an I.D. card is House property, it must be returned upon termination of employment.

Loaning or sharing of I.D. cards and office keys is a serious safety breach. Employees who engage in such behavior may be subject to discipline, up to and including termination.

The nature of employment on the Hill is such that it may require you to work late hours. In the event that an employee is in a position in which he or she is going to be walking to his or her car or the Metro station alone, the employee is encouraged to contact the Capitol Police for escort.



The number for Escort Assistance is x4-5151.

## **Office Property**

All staff members play an important role in the political process, and enjoy a relationship of trust and confidence with the Member. Inherent in this relationship is the expectation that staff members understand the need to protect sensitive and confidential information, and work at all times for the good of the Member and his/her constituents.

To assist the Member in performing his/her duties most effectively and efficiently, it is imperative that the Office have immediate access to all Office files and other property. For example, in an employee's absence, the Office may need to enter and search an employee's work area to retrieve work-related materials. The Office also must retain its ability to locate missing property promptly and to investigate suspicious activities in the Office. Therefore, the Office reserves the right to inspect and search all areas and property in the Office at any time, for these reasons, or any others within its discretion, without notice or consent.

All inspections and searches must be preauthorized by a supervisor. Inspections, searches and investigations can include, without limitation, the examination of physical files, computer files, e-mail, voice mail, file cabinets, desks, work stations, closets, storage areas, manuals, equipment, and all other Office property and areas. For these reasons duplicates of all keys issued to the staff are maintained, and staff must provide \_\_\_\_\_ with the passwords for their computers and telephone voicemails. The Office also reserves the right to search purses, packages, parcels and other containers within the Office to investigate suspicious activities.

Employees should leave valuable items at home. The Office cannot be responsible for the loss, theft or damage of any property brought into the Office. Additionally, employees should report any suspicious activity they observe in the Office to a supervisor. As a condition of continued employment, the Office expects each employee to assist with the Office's efforts to maintain the confidentiality of Office activities, and to provide for employee and Office security.

For the reasons described above, employees should not harbor any expectation of privacy in the equipment that is provided to them by the Office.

## **Emergencies**

You will be asked to provide the Office with the name and telephone number of someone to contact on your behalf in the event of an emergency. Should your "emergency contact" person change, please notify \_\_\_\_\_ immediately.

If a medical emergency occurs during working hours or on the premises, you should immediately contact the Capitol Police at x55151 or the Attending Physician's Office at x55421. The Physician's Office is open 9:00 a.m. to 5:00 p.m., or until adjournment, Monday through Friday. In the case of a minor injury or illness, go immediately to one of the First Aid Offices, which are in the following locations and are open 9:00 a.m. to 5:00 p.m., Monday through Friday:

*H-166 The Capitol, x55421*

*110 Cannon HOB, x53470*

*1204 Longworth HOB, x52500*

*B344 Rayburn HOB, x57131*

*H2-145 Ford HOB, x52442*

It is the duty of the employee to inform the Office of any changes of information concerning persons to contact in case of an emergency.

## **Computer Policy**

Certain employees of the Office are assigned personal computers for use in the conduct of their official duties. Specific guidelines and instructions regarding the use of the Office's computers will be provided by \_\_\_\_\_ to each employee that is assigned a computer.

Under certain circumstances, it may be necessary to access the employee's computer to recover documents. Therefore, the Office reserves the right of access to any computer or file on the Office's computer system. Accordingly, employees should not harbor any expectation of privacy in documents created on the equipment provided to them by the Office.

Computer viruses can be transmitted via software or data files, and have the potential of stopping all work on the Office's computer system. Therefore, employees who are assigned computers must scan all diskettes for viruses, especially if a diskette has been used outside of the Office.

Employees of the Office may not make unauthorized copies of any software licensed to the House or to the Office and remove it from the Office. Employees are also prohibited from using unlicensed software on either individual computers or on the Office's computer system.

No software can be loaded onto any computer or the system without direct authorization from \_\_\_\_\_. This is to ensure that only legal copies of software are running on the system and to protect the computer system from viruses.

Employees who access House computer systems remotely are responsible for maintaining the security and integrity of such systems. Passwords and other means of access must be safeguarded, and each employee is responsible for notifying \_\_\_\_\_ of any

breach, or potential breach, of security or integrity of such systems.

Employees are prohibited from moving computers, printers, or other computer equipment within the Office without first contacting \_\_\_\_\_.

Employees are responsible for compliance with all regulations of the Committee on House Oversight, including the Policies and Guidelines on the Official Use of the Internet. (See p. \_\_\_\_\_ of the Members Congressional Handbook).

## **Electronic Mail Policy**

Electronic Mail ("e-mail") is provided as a communications tool to all employees of the Office and should be used with the same rules of professional behavior that apply to the telephone. E-Mail may not be used to commit an unlawful act, to harass or annoy another employee, or to advertise or promote outside business or other non office related activities.

Employees should not read the E-Mail of others. Occasionally, an employee may be assigned to review the E-Mail messages of another employee for legitimate purposes. However, an employee must have approval from \_\_\_\_\_ prior to reviewing the E-Mail files of another employee.

It is possible that other employees or third-parties may inadvertently view your E-Mail messages. Because there is no guarantee of absolute privacy with E-Mail, it is imperative that all employees use good judgment when using the E-Mail system.

Management expressly reserves the right to review the E-mail files of any employee, with or without notice, for any reason within its discretion, including but not limited to investigating wrongdoing or security breaches, monitoring compliance, or obtaining work product.

## **Media Relations**

Only \_\_\_\_\_ is authorized to communicate with members of the press without direct clearance from \_\_\_\_\_. Staff members receiving requests or contacts from the media regarding any issue related to their employment should report them to \_\_\_\_\_ immediately.

## **Open Door Policy**

The Office recognizes that open communication between employees and management is an essential element of a productive work environment. To that end the Office has adopted an Open Door Policy. The Open Door Policy has been established to enable employees to seek resolution of job-related issues. It is intended to create a process whereby employees can raise any questions or concerns with the assurance that these issues will be addressed promptly and effectively.

Employees are encouraged to discuss job-related concerns or questions with their immediate supervisor. If an employee fails to get satisfaction from his/her immediate supervisor, or the supervisor is involved in the issue or concern, the employee may discuss the issue with a higher-level supervisor, including the Chief of Staff.

It is the responsibility of all management personnel to respond to Open Door Requests in a timely and objective manner. Retaliation is prohibited against any employee because he/she uses the Open Door Policy, as well as participants in any investigation prompted by any such complaint or inquiry.

## **Confidentiality**

During your employment with the Office, you will be exposed to certain information of a sensitive or confidential nature. It is critical that confidentiality be maintained by all employees who work for the Office, that no disclosure of confidential information be made to anyone except as required in the performance of work, and that no use be made of confidential information for personal gain or advantage, or for the harm of others either during or after your employment with the Office.

Examples of sensitive or confidential information may include information designated as classified or secret by the government, matters involving the personal or professional lives of Office employees or the Member, internal legislative or political strategy, constituent issues relating to federal agencies, and internal operations of the office, among others.

Employees of the Office have access to confidential and sensitive information and, as a result, have a fiduciary duty to the U.S. House of Representatives to hold in confidence such information in accordance with the Code of Ethics in Government Service found in the House Ethics Manual. Under that section, employees are precluded from using information coming to them confidentially in the performance of their governmental duties as a means for making private profit. Accordingly, it is the Office policy that all staff shall not publish any article, book, transcript, or other written piece or grant an interview or act as an advisor on any such publication without the prior approval of \_\_\_\_\_ or his or her designee.

Strict observance of this policy by all employees is of great importance to the effective operation of the Office. Violations of this policy may result in discipline, up to and including immediate termination.

If you discover a violation of this policy, you have the responsibility to notify your supervisor immediately.

## **Anti-harassment and Anti-discrimination Policy**

As an equal opportunity employer, the Office of \_\_\_\_\_ is firmly committed to providing a work environment free from discrimination, harassment or intimidation on the basis of race, sex, age, religion, disability, color, national origin, military status, or any other basis prohibited by law. This commitment applies to all hiring, discharge, promotion, pay benefits, reassignments and other personnel actions affecting the terms, conditions, and privileges of employment. This commitment extends to making reasonable accommodations that enable qualified disabled individuals to perform the essential functions of their jobs.

All employees will be treated, and are to treat each other, fairly and with respect.

Employees will not be subjected to, and will not subject each other to discrimination or harassment of any kind.

The Office will not tolerate any of the following actions:

making any employment decision or taking any employment action that is based on race, sex, age, religion, disability, color, national origin, military status or any other basis prohibited by the Congressional Accountability Act;

acting in a way that may create a hostile, offensive, intimidating or demeaning environment on the basis of an employee's race, sex, age, religion, disability, color, national origin, veteran status, or any other basis prohibited by the Congressional Accountability Act.

## **Definition of Sexual Harassment**

There are two basic forms of sexual harassment.

**Prohibited . quid pro quo.** sexual harassment occurs when a supervisor or manager makes unwelcome sexual advances, requests sexual favors, or engages in other verbal or physical conduct of a sexual nature, if the implication is that submission to such conduct is expected as part of the job. It would also be unlawful for a supervisor or manager to make employment decisions affecting the individual on the basis of whether the individual submits to or rejects sexual conduct.

**Prohibited . hostile work environment.** sexual harassment occurs when unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature has the purpose or effect of unreasonably interfering with an individual. s work performance or creating an intimidating, hostile, or offensive working environment. This includes, for example, displaying sexually suggestive material in the workplace, unwelcome flirtation or advances, requests for sexual favors, or any other offensive words or actions of a sexual nature.

## **Other Kinds of Harassment**

In addition to the sexual harassment discussed above, harassment on the basis of race, color, sex, disability, religion, or national origin can constitute unlawful employment discrimination. Insults, jokes, slurs, or other verbal or physical conduct or activity relating to race, color, sex, religion, or national origin are unlawful if they create an intimidating, hostile, or offensive work environment; or if they unreasonably interfere with an individual. s work performance.

## **Employee. s Responsibility**

Personal behavior and language that are . acceptable. to one individual may be . offensive. to another. All employees must recognize that the focus of this prohibition is on the effect of one. s action, not the intent. Even an employee who believes he or she is . just kidding around. or . didn. t mean any harm. may act in ways that have the effect of intimidating or demeaning



another employee, and thereby violating this policy.

## **Procedures**

**It is the intention of the Office to stop harassment before it rises to the level of a violation of law. As part of this effort, any employee who believes that he/she has been subjected to or has witnessed actions that violate this policy should promptly make a report to management in order for management to immediately investigate and take corrective action where appropriate. The employee should not wait until the actions become severe or pervasive but should report such activity immediately.** The employee may advise his or her direct supervisor, the next level supervisor, or any other management official with whom the employee feels comfortable discussing such issues. The office will protect the confidentiality of harassment allegations to the extent possible. The conduct of an effective investigation requires sharing information with those who have a . need to know.. Any documents created or obtained concerning the harassment investigation will be treated with the same degree of confidentiality. Anyone who in good faith brings such a matter forward is assured that he or she will not suffer any retaliation, discrimination, harassment, or reprisal for having done so.

The Office strictly prohibits retaliation against anyone who reports an incident in violation of the anti-harassment/anti-discrimination policy or anyone who participates or aids in an investigation of a complaint.

Any employee who violates any aspect of this policy, including the prohibition against retaliation, will face appropriate discipline, up to and including termination.

## **Performance Reviews**

The Office may periodically review with the employee his/her job performance and discuss his/her job interests and career goals. The Office does this to bring to the employee's attention both areas in which he/she is performing well and those that need improvement. Performance evaluations can also influence decisions regarding any pay increases. Please understand, however, that a performance review does not mean that an employee is guaranteed a pay

raise.

Some of the factors the Office considers in its evaluation of employee include:

*quality of work;*  
*job skills;*  
*dependability;*  
*attendance and punctuality;*  
*cooperativeness;*  
*knowledge of work;*  
*willingness to assume responsibility;*  
*willingness to accept direction;*  
*ability to give direction where applicable;*  
*adherence to Office policies; and*  
*improvement since the last review.*

The Office will provide each employee the opportunity to comment on the evaluation. Employees should understand that an evaluation does not alter the employee's at-will relationship or create a contract with the Office as described elsewhere in this Handbook.

## **Employee Conduct and Discipline**

To ensure that all employees are working in a safe, productive and harmonious environment and that the Office is able to operate at optimum efficiency, certain general standards of personal conduct and job performance have been established.

Your actions are a direct reflection on the Member, the Office and the House of Representatives. Actions that reflect poorly on the Member, Office or House are grounds for disciplinary action, up to and including termination.

Standards of job performance are determined by the employee's position. Standards of personal conduct, however, are uniform throughout the Office. Employees are expected to be courteous and respectful, and to conduct themselves at all times in a manner which shall reflect creditably on the House of Representatives.

**Dress Code**

All employees are expected to dress in attire appropriate to their position and duties.

**Discipline**

While it is anticipated that most problems will be resolved through the cooperation of employees, there are times when inappropriate conduct or inadequate performance may result in disciplinary action. While this office does not employ mandatory progressive discipline, appropriate disciplinary action may, at the Office's sole discretion, include probation, suspension (with or without a pay reduction), demotion, or other actions, up to and including termination. It is within management's sole discretion to determine appropriate measures based upon the circumstances of each individual disciplinary matter.

**Insubordination**

Employees are expected to follow directions given by a supervisor or a person in authority. Failure to perform or unreasonably delaying the performance of instructions given by a supervisor or person in authority is unacceptable and may result in disciplinary action, up to and including termination of employment.

**Misconduct**

The following actions are unacceptable and may result in appropriate disciplinary action. The misconduct identified below is merely illustrative, is not intended to be a complete list of misconduct, is not intended to be listed in order of severity of the conduct, and does not alter the Office's at-will employment policy:

1. Misrepresenting or withholding information on an employment application or House records, including time cards, injury reports, leave reports, personnel documents, etc.

2. Removing House property, records, or documents without proper authorization; releasing sensitive or confidential information without proper authorization; allowing access to such information by unauthorized personnel; or using such information or property for personal reasons.
3. Unauthorized possession, willful destruction or abuse of House property or the property of any individual on the premises.
4. Entering a restricted area or allowing another person to enter a restricted area without proper authorization.
5. Excessive absenteeism or tardiness without proper authorization.
6. Unexcused absence from work.
7. Sleeping on the job, unless authorized to do so in unusual circumstances.
8. Use of abusive, threatening or obscene language; using language that adversely affects morale, production, or maintenance of discipline.
9. Engaging in any type of harassment.
10. Performing personal or campaign business during working hours or using the frank, official stationary, or other official resources for personal benefit.
11. Violating the Office's alcohol and drug abuse policy.

12. Possessing dangerous weapons on the premises.

13. Illegal or disorderly conduct of any kind such as fighting, wrestling, roughhousing, or any other activity hazardous to life, limb or property.

14. Failure to abide by the leave policies of the Office.

15. Failure to follow House Rules and federal statutes concerning the acceptance of gifts, and the reporting of financial interest, employment or conflicts of interest.

16. Failure to observe general safety procedures, neglect of the safety of others, or the commission of unsafe acts.

17. Reviewing the E-Mail files of another employee without appropriate authorization.

18. Failure to follow the Office's computer and Internet policies.

19. Unauthorized communications with members of the press, written statements, personal appearances, testimony, articles or comments on any aspect of the employee's official responsibility as an employee of the Office or relating to matters of the House without direct clearance from \_\_\_\_\_.

20. Any other action that is deemed to be inconsistent with the standards and expectations of the Office or to show a disregard for the House's interests or the employee's duties and obligations to the House.

## **Termination of Employment**

The Office desires that your employment in the House be a rewarding and successful experience. However, it is conceivable that circumstances may arise that will make it advisable for you to end your employment with the Office.

Should you decide to terminate your employment with the Office voluntarily, you are requested, but not required, to provide adequate notice. Adequate notice is customarily two weeks, and may be longer depending on your particular responsibilities. The request that you provide notice of your intent to resign is not intended to alter the fact that either you or the Office is entitled to terminate your employment relationship at any time without notice.

Each employee must return all House property, including his or her I.D. card and keys. Failure to do so may result in the withholding of your final paycheck. Employees who have group medical and life insurance will continue to receive coverage during the period in which the employee remains on the payroll as provided for by the individual employee's health or life insurance policies and applicable federal laws.

Upon termination certain employees are prohibited from lobbying certain Members of Congress or their staff for a period of at least one (1) year. For more information, contact the Office of Advice and Education at the Committee on Standards of Official Conduct at x5-3787.

References for former or current employees of the Office are to be given only by \_\_\_\_\_ and only in accordance with the Hatch Act Reform Amendments of 1993 and the Office of Advice and Education at the Committee on Standards of Official Conduct at x5-3787.

## **II. LEAVE POLICIES**

### **Holidays**

The Office will observe the following holidays IF the House is not in session:

*New Year's Day*  
*Martin Luther King Jr.'s Birthday*  
*President's Day*  
*Memorial Day*  
*Independence Day*  
*Labor Day*  
*Columbus Day*  
*Veterans' Day*  
*Thanksgiving*  
*Day after Thanksgiving*  
*Christmas Eve (if Christmas falls on a weekend)*  
*Christmas*  
*New Year's Eve (if New Year's Day falls on a weekend)*

## **Leave Policy**

The leave policy of the Office is designed to provide benefits to employees, while maintaining enough flexibility to allow the Office to perform its functions.

### **Annual Leave**

Annual leave is based upon the calendar year. Full-time employees of the Office accrue annual leave each month based upon years of service as follows:

- a. Employees with less than 1 year [3 years\*] of [employment with the Office][federal employment\*] are entitled to days [1 day\*] of annual leave per month.

b. Employees who have between 1 year [3 years\*] of and \_\_\_\_ years [15 years\*] of [employment with the Office][Federal employment\*] are entitled to \_\_\_\_ days [1.5 days\*] of annual leave per month.

c. Employees who have over \_\_\_\_ years [15 years\*] of [employment with the Office][Federal employment\*] are entitled to \_\_\_\_ days [2 days\*] of annual leave per month.

There is no leave accrual for employment for only a fractional part of a month at either the beginning or the end of an employee's period of service. Leave accrual commences on the first day of the first full month of employment and ends on the last day of the last full month of employment. Requests for annual leave must be made in advance in writing and must be approved by an employee's immediate supervisor and then forwarded to for final approval. Annual leave will not be granted when the House is in session and the employee is needed for legislative activities, or if no other person in the Office is available to perform the employee's duties in his or her absence.

No more than [30] annual leave days may be carried over from one calendar year to the next. Any balance beyond [30] days will be lost. Upon separation from employment, the Office will pay the employee a lump sum equal to the number of days of unused annual leave, provided such a sum does not exceed the employee's monthly pay and/or 1/12th of the maximum rate of pay specified on the Speaker's Pay Order. Withholding will be at flat rates of 28% for Federal tax, 6% for state tax, 6.2% for FICA (if applicable), and 1.45% for Medicare.

Because of the prohibition against dual compensation, an employee cannot be retained on the House payroll after reporting to another federal job.

If an employee has taken more annual leave than he or she has earned, the Office may deduct the excess annual leave from the employee's final paycheck or seek reimbursement from the employee.

## **Sick Leave**



The Office provides days [1 day] of paid sick leave per month to all full-time employees, regardless of years of service, for periods of temporary absence due to illness or injury of the employee. Unused sick leave [does not carry over from year to year][may be carried over from year to year without limitation]. No payment will be made for unused sick leave upon termination of employment. Eligible employees who suffer from a serious health condition are entitled to leave under the Family and Medical Leave Act as discussed below.

Employees who are unable to report to work or who must leave work because of illness or injury must notify their immediate supervisor or a manager at once or leave a message with the Office no later than 8:30 a.m.

The Office must be contacted on each additional day of absence. Failure to follow these procedures may result in the treatment of the day as an unexcused absence, which may be subtracted from the employee's annual leave allotment, and can also result in disciplinary action up to and including termination.

Sick leave may be used for scheduled medical and dental appointments. Appointments that keep an employee from the Office for more than \_\_\_ hours are considered a half day of sick leave and appointments lasting more than \_\_\_ hours are considered a full day of sick leave.

## **Parental Leave Policy**

Parental Leave is defined as leave for the purpose of caring for the employee's newborn child, newly-adopted child, or child newly-placed in the custody and guardianship of the employee through a foster care program. This leave applies to all employees regardless of gender. The employee requesting leave must have been employed by a Congressional office for a minimum of 12 months prior to the request for the leave and must have worked a minimum of 1,250 hours. The minimum of 1,250 hours of employment must have been worked during the 12 months immediately preceding the commencement of leave. If an employee has worked for more than one employing office, the periods worked and the hours of service will be added together to determine whether the minimums of 12 months and 1,250 hours during the previous 12 months have been reached.

Entitlement to this leave expires 12 months after:

- a. the birth of a child;
- b. the date an adoptive child is brought into the employee's home; or
- c. the date a foster child is brought into the employee's home.

Eligibility for paid parental leave is contingent on the employee's expression of intent to return to work upon completion of paid parental leave and/or any additional FMLA leave taken to care for the child.

### **Calculating the Leave Year:**

For purposes of applying for parental leave, the 12-month period during which an employee is entitled to \_\_\_\_\_ work weeks of paid parental leave is calculated on a rolling 12-month basis measured backward from the date the employee uses the parental leave. The employee is therefore entitled to \_\_\_\_\_ work weeks of paid parental leave after 12-month period@ and not after child.@

**Notice of Parental Leave:** If the need for leave is foreseeable, an employee must provide at least 30 days notice (written or verbal), or otherwise as much advance notice as practicable. If an employee fails to give 30 days notice, with no reasonable excuse, the employing office may delay or deny the taking of parental leave.

Any employee who takes parental leave must submit a written request for leave, even if the request is filed after the leave has commenced. Such written notices must be submitted to \_\_\_\_\_ and shall include the dates and the reason(s) for the requested leave (i.e., the nature of the qualifying event). Failure to provide a written request for leave may also result in a delay or denial of leave.

**Certification of Reason for Leave:**

An employee requesting parental leave must provide written verification of the event necessitating such leave. In the case of leave to care for a newborn child, the employee must provide a written verification stating that the employee/employee. s spouse is pregnant and the expected date of delivery. In the case of a newly-adopted child or placement of a foster child in the employee. s custody, the employee must provide documentation from the appropriate adoption agency or social services department as to the date the child is to be placed in the employee. s custody and/or guardianship.

**Employment of Spouses:**

Spouses employed by the same employing office may be limited to a combined total of 6 work weeks during a 12-month period of parental leave when the leave is taken for the qualifying event.

Combination of Parental and Leave Under the Family and Medical Leave Act: The paid parental leave runs concurrently with leave granted under the FMLA. An employee must use all of his/her paid parental leave prior to using unpaid leave under the FMLA for the purpose of caring for a newborn child, a newly-adopted child or a child newly-placed in the custody and guardianship of the employee through a foster care program.

**Continuation of Benefits:**

While on paid parental leave or unpaid FMLA leave, employees will continue to be enrolled in their health insurance plans. As long as the employee remains enrolled in his or her health insurance plan, the U.S. House of Representatives will continue to pay the Government contribution for employees on such leave. The employee, however, is responsible for payment of the employee. s share of health insurance coverage. Under federal regulations, an employee whose enrollment continues for a period of time without payment is deemed to have consented to recovery of an indebtedness for past-due health benefits premiums from future salary, or from any other moneys owed to an employee by the Federal Government.

**Reinstatement from Leave.**

Upon return to work after taking parental leave, an employee generally will be entitled to be restored to the same position or an equivalent position to that which the employee occupied before taking parental leave. Additionally, under circumstances where restoration to employment will cause substantial and grievous economic injury to its operation, the employing office may refuse to reinstate certain highly paid Akey@ employees after they use their paid parental leave.

**Religious Holidays**

The Office seeks to accommodate reasonable requests for leave for religious observances. Employees may elect to take annual leave or unpaid leave (if the employee has exhausted his or her paid leave) for such purposes. The availability of such leave depends on the operational needs of the office. Accordingly, employees should request such leave as far in advance as possible to allow for appropriate scheduling to be made by management.

**Bereavement Leave**

Employees are entitled to up to days of paid bereavement leave for the death of an immediate family member. An "immediate" family member includes an employee's parent, step-parent, spouse, child, stepchild, brother, stepbrother, sister, stepsister, grandchild, grandparent, mother-in-law, father-in-law, son-in-law or daughter-in-law. Personal leave for the death of friends or other relatives will be charged against annual leave. At the Office's discretion, additional bereavement leave for travel time and other extenuating circumstances may be granted.

**Military and Federal Emergency Task Force Duty**

An employee who is a member of a National Guard or Armed Forces Reserves unit and is required to attend a two-week (not to exceed 15 consecutive days) training session annually will be given paid leave for that purpose. Any compensation provided by the National Guard or Reserves may be retained by the employee. An employee who is a member of a Federal Emergency Task Force and is called to duty will be given paid leave for that purpose. To apply for the leave, appropriate documentation (e.g., a copy of the orders) must be submitted to the Office as far in advance as possible.

Employees who require absences for military duty (including long-term absences for active duty) will be accorded all benefits provided by law. Any employee who is required to take a leave of absence for military duty must notify the Office immediately.

### **Jury and Witness Duty**

An employee who is summoned for jury or witness duty and must be absent from work will continue to receive full pay and will not be charged annual leave. Upon receipt of such summons, the employee must notify the Office immediately and must provide a copy of the summons or other written documentation requesting jury or witness duty.

Certain courts require only that a juror telephone the court each morning to determine whether the juror must report to court. Under such circumstances, when not needed by the court, the employee must report to work.

As provided by law (2 U.S.C. 130b(d) and (e)), any fee paid to an employee for jury or witness duty shall be turned into the Office, and the entire amount will be remitted to the House Finance Office. Any reimbursement made to an employee for expenses incurred in rendering jury or witness service may be retained by the employee. Upon returning to work from jury duty, an employee shall provide the Office a certificate of attendance from the Clerk of the court or similar court official for each day of absence.

### **Leave Without Pay (LWOP)**

Requests for leave without pay other than unpaid FMLA may be granted at the discretion of \_\_\_\_\_.

As a basic condition for approval of LWOP, the Office should have a reasonable assurance that the employee will return to duty at the end of the approved period. LWOP status should be requested in advance of the period of absence. In no case may the period of LWOP status exceed one year.

## **Furlough**

Furlough is an absence without pay initiated by the Office. Placement in a furlough status is at the discretion of the office, unless placement in such leave status is otherwise required by law.

## **Family and Medical Leave (FMLA)**

Under the applicable provisions of the FMLA, any person who has worked as an employee of the House for at least one year and for a total of at least 1,250 hours during the previous 12-month period is entitled to up to a total of 12 weeks of unpaid leave during any 12-month period for the following family and medical reasons:

- A. for the birth of a child and to care for the newborn child;
- B. to adopt a child or to receive a child in foster care;
- C. to care for a spouse, son, daughter, or parent who has a serious health condition; or
- D. for the employee's own serious health condition which makes the employee unable to

perform the functions of his or her job.

The FMLA defines the term "serious health condition." 29 U.S.C. ' 2611(11). When requesting leave, an employee must explain the reason for the leave to allow the Office to determine whether the leave qualifies as FMLA leave.

**Calculating the Leave Year:** For FMLA purposes the 12-month period during which an employee is entitled to 12 work weeks of unpaid FMLA leave is calculated on a rolling 12-month basis measured backward from the date the employee uses family and medical leave.

**Notice of FMLA Leave:** If the need for leave is foreseeable, an employee must provide at least 30 days notice (written or verbal), or otherwise as much advance notice as practicable. If an employee fails to give 30 days notice, with no reasonable excuse, the Office may delay the taking of FMLA leave.

Any employee who takes FMLA leave for any reason must submit a written request for leave, even if the request is filed after the leave has commenced. Such written notices must be submitted to \_\_\_\_\_ and shall include the dates and the reason(s) for the requested leave. Failure to provide a written request for leave may also result in a delay or denial of leave.

For leave requested for care of a family member with a serious health condition or for the employee's own illness the employee shall make a reasonable effort, after consulting with \_\_\_\_\_ to schedule leave so as not to unduly disrupt office operations (subject to approval of the health care provider).

**Substitution of Paid Leave for FMLA Leave:** An employee may substitute his or her accrued annual leave for FMLA leave for the care of a newborn or newly adopted or newly placed foster child or for the care of a family member's serious health condition. An employee may substitute his or her annual or sick leave for FMLA leave for the employee's own serious health condition (including complications associated with childbirth). Any paid sick leave and/or other paid time off taken for the employee's serious health condition may count toward an employee's FMLA entitlement.

FMLA leave will be designated as such retroactively upon an employee's return to work where the employee does not inform the Office in advance of the reason for the leave and the Office discovers upon the employee's return that the reason for the leave falls under the FMLA.

**Intermittent or Reduced Schedule Leave:** When an employee seeks to take FMLA leave intermittently or on a reduced schedule basis, the employee must comply with the following guidelines:

Leave may be taken intermittently or on a reduced leave schedule to care for a seriously ill family member or for the employee's own serious health condition.

Leave shall not be taken intermittently or on a reduced leave schedule to care for a newborn or a newly adopted or newly placed foster child without the agreement of the Office.

When leave is taken intermittently or on a reduced leave schedule, the Office may require that the employee transfer to an alternative position which has equivalent pay and benefits, and which better accommodates recurring periods of leave.

**Medical Certification:** An employee who requests FMLA leave for his or her own illness or to care for a family member is required to provide a medical certification from the health care provider that the leave is due to the serious health condition of the employee or the employee's immediate family member. The employee must have the health care provider complete and return the certification form within 15 days, where possible.

The Office may also require an opinion by a second health care provider designated by the employer. If there is a conflict between the first and second certifications, the Office may require and pay for a third opinion by a health care provider jointly approved by the Office and the employee. The opinion of the third health care provider is final and binding.

The Office may also require that an employee present a Fitness for duty@ certification upon



return to work when the absence is caused by the employee's own serious health condition. The Office may seek such certification only with respect to the particular serious health condition that was the reason for the employee's request for FMLA leave. The employee is responsible for the cost of such certification. \_\_\_\_\_ will notify the employee whether a Fitness for duty certification is required as soon as possible after the employee notifies the Office of the reason for FMLA leave. The Office may delay or refuse to restore an employee to duty if the Office has requested and the employee has failed to provide the appropriate Fitness for duty certification.

**Periodic Reports:** The Office may also require periodic reports from an employee on leave regarding his or her status and intention to return to work.

**Continuation of Benefits:** While on FMLA leave, whether paid or unpaid, employees will continue to be enrolled in their health insurance plans. As long as the employee remains enrolled in health benefits, the U.S. House of Representatives will continue to pay the Government contribution for employees on Leave Without Pay. The employee is responsible for payment of the employee share and will be contacted by the Office of Personnel and Benefits to arrange for monthly payments. Under federal regulations an employee whose enrollment continues for a period of time without payment is deemed to have consented to recovery of an indebtedness for past-due health benefits premiums from future salary, or from any other moneys owed to an employee by the Federal Government.

**Reinstatement from Leave:** Upon return to work after taking FMLA leave an employee generally will be entitled to be restored to the same position or an equivalent position to that which the employee occupied before taking FMLA leave. If an employee is unable to perform the essential functions of his or her job because of a mental or physical condition, the employee has no right to restoration to another position under the FMLA.

If an employee is on family and medical leave in excess of 12 weeks within a 12-month period, the employee will not be guaranteed reinstatement.

Except for employees on authorized active military duty, if an employee accepts other employment while on leave, the employee will be deemed to have terminated employment with the Office on the first day of the new employment.

**Key Employees:** Key employees are employees who are salaried and among the highest paid 10% of all employees employed by the employing office within 75 miles of the employee's worksite. The employing office may deny reinstatement upon return from FMLA leave to Akey@ employees if reinstatement would cause substantial and grievous economic harm to the Office. The Office must provide written notification to Akey@ employees of their status upon a request for FMLA leave.

**Employment of Spouses:** Spouses employed by the same employing office may be limited to a combined total of 12 work weeks during a 12-month period of family and medical leave when the leave is taken for the following purposes: (1) the birth and/or care for such newborn child; (2) the placement of a child for adoption or foster care; or (3) the care of a parent who has a serious health condition.

**Performance and Merit Reviews:** Performance reviews may be delayed for a period equal to the length of the FMLA leave.

**Misrepresentation:** If an employee misrepresents the reasons for requesting FMLA leave, the employee may be subject to disciplinary action, up to and including termination.

**Intimidation and Retaliation Prohibited:** An employer may not use the taking of FMLA leave as a negative factor in employment decisions such as promotions or disciplinary actions. Retaliation of any kind is prohibited

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